

February 14, 2020

MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank
Joe McGehee, Legislative Intern
Camilia Wilson, Legislative Intern

RE: Legislative Update – Week of February 10th

General Information

I was able to attend the FADSS Secretary/Administrative Assistant Training in Tampa today and provide them with a legislative update. I am always impressed with the talent and passion these women have for students and public education.

Budget Information

The House and Senate have passed their respective budgets and are now poised for the conference process to begin in the next few weeks. There are not any major changes from the previous budget reports.

We have been trying to calculate the potential impact of the proposed FRS Employer Contribution for this next fiscal year. Attached are four charts prepared by Merrill Wimberley. The first two relate to the Senate budget and the second two relate to the House budget. The first chart shows the Senate total FEFP Increase offset by Salary and FRS Costs. The second chart backs out charter school enrollment since most charter schools do not participate in FRS. Then, the same information is reflected for the House budget.

This should give you an indication of the impact of the major policy decisions on the proposed budgets this year. Please get with your finance officer and review these documents. If you have any questions, please give us a call.

Committee Action – Senate

SB 1216 by Gruters - Limitation on Terms of Office for Members of a District School Board. This bill proposes that district school board members be subject to an 8-year consecutive service term limitation. The provision would operate prospectively beginning with the 2020 general election. The likely earliest date that any currently serving school board member could be “termed-out” would be in November 2028.

The joint resolution, if passed by a 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2020, unless the legislature authorizes an earlier special election for that specific purpose.

The bill passed the Senate Education Committee favorably, and previously passed the Senate Ethics and Elections Committee favorably.

SB 662 by Wright - School Grading System. This bill modifies the school grading model for high schools beginning with the 2020-2021 school year by adding the percentage of students who completed two years of coursework as a participant in the United States Armed Forces Junior Reserve Officers' Training Corps program and earned a score of 31 or higher on the Armed Services Vocational Aptitude Battery as a school grade college and career acceleration component.

The bill passed the Senate Education Committee favorably.

SB 1100 by Rouson - Florida Seal of Fine Arts Program. This bill establishes the Florida Seal of Fine Arts Program to recognize high school graduates who have attained a high level of skill in fine arts coursework. The bill specifies that beginning in the 2020-21 school year, the Florida Seal of Fine Arts is awarded to a high school graduate who:

- Completes three year-long courses or earns three course credits in dance, music, theater, or the visual arts with a grade of "B" or higher in each course;
- Completes an additional year-long course or earns an additional course credit in a qualified art course with a grade of "B" or higher;
- Completes two fine arts-related extracurricular activities; and
- Shares his or her talent and industry knowledge by providing at least 20 hours of art-related community service and presents a comprehensive presentation on his or her experience.

The bill passed the Senate Education Committee favorably.

SB 1550 by Cruz - High School Graduation Requirements. This bill requires that, beginning with students entering grade 9 in the 2021-2022 school year, a student must submit the Free Application for Federal Student Aid (FAFSA) in order to be awarded a standard high school diploma. The bill authorizes a waiver of the requirement if the student or parent declines, in writing, to submit the FAFSA.

The bill passed the Senate Education Committee favorably.

SB 1628 by Book - Holocaust Education. This bill expands the required instruction associated with the history of the Holocaust and authorizes DOE to work with the Florida Holocaust Museum and other Holocaust educational organizations to develop relevant curricula, training, and resources. Specifically, the bill:

- Adds the policy against anti-Semitism to the required instruction on the history of the Holocaust.
- Requires each school district and charter school to annually certify and provide evidence to the DOE that instructional requirements on the history of the Holocaust are met.
- Requires the DOE to prepare and offer curriculum standards for instruction on the history of the Holocaust.

The bill passed the Senate Education Committee favorably.

SB 1644 by Book - Students With Disabilities in Public Schools. This bill revises the circumstances and procedures required for restraining students with a disability in public schools and prohibits the use of seclusion. The bill also provides enhanced mechanisms for monitoring specified classrooms. Specifically, the bill requires:

- School districts to:
 - Adopt positive behavior interventions and supports for students with a disability and identify all school personnel authorized to use the interventions and supports.
 - Provide training to all school personnel authorized to use positive behavior interventions and supports.
 - Publish the procedures for training in positive behavior interventions and supports in the district's special policies and procedures manual.
- The development of a crisis intervention plan for a student who has been restrained twice during a semester.
- Schools to install a video camera, upon the request of a parent, in self-contained classrooms where students with a disability are enrolled and specifies the circumstances under which the video recording may be viewed.
- DOE to collect information relating to the installation and maintenance of video cameras in self-contained classrooms.
- Data maintained by the DOE on the use of restraint to be updated monthly and made available to the public through the DOE's website by October 1, 2020.
- The Commissioner of Education to develop recommendations that incorporate instruction regarding emotional or behavioral disabilities into continuing education or inservice training requirements for instructional personnel.

The bill passed the Senate Education Committee favorably.

SB 1750 by Montford - High School Graduation Requirements. This bill modifies the requirement that a student complete one credit in fine or performing arts, speech and debate, or an identified practical arts course as a part of the 24 credits required to earn a standard high school diploma. The bill replaces the option to complete one credit in practical arts with the option to complete one credit in career and technical education identified in the Course Code Directory.

The bill passed the Senate Education Committee favorably.

SB 1066 by Gruters - Impact Fees. This bill requires each county or municipality assessing impact fees to establish an impact fee review committee to:

- Establish policy and methodology for determining impact fees on new developments;
- Review proposed impact fees on each new development before the fee becomes final;
- Submit recommendations to the county or city commission; and
- Review all proposed expenditures of an impact fee after adoption by the local government to ensure that the fee is used for capital projects within the jurisdiction.

In addition, the bill requires that the calculation of an impact fee utilize data obtained within the most recent 36 months and exclude any costs that do not meet specific definitions for infrastructure and public facility. The cost per student station calculation of a school impact fee

may not exceed the statutory total maximum cost per student station. Impact fee expenditures and revenues must be accounted for in a separate impact fee account. A new or increased impact fee may not apply to current or pending permit applications submitted prior to the effective date of an ordinance imposing the new or increased fee.

The bill also provides that impact fee credits are assignable and transferable at any time after establishment from one development or parcel to another within the same impact fee jurisdiction for the same type of applicable public facility. Provisions for crediting contributions in lieu of impact fees of greater value and those related to a transportation system and mobility as well as the timing for contribution acceptance and commitment are also outlined.

The bill passed the Senate Community Affairs Committee favorably.

SB 1406 by Broxson - Youth Athletic Activities. This bill creates s. 381.796, F.S., to require unpaid or volunteer athletics personnel, as defined by the bill, who are involved with high-risk youth athletic activities (HRYAA) conducted on state land to complete a training course approved by the Department of Health (DOH) on the prevention of serious physical injury to participants in the HRYAA. The bill specifies topics to be covered by the course, exempts licensed athletic trainers¹ from the requirement to take the course, requires record keeping, and requires the DOH to adopt rules to implement the new section of statute.

The bill passed the Senate Health Policy Committee favorably.

SB 190 by Montford - Medicaid School-based Services. The bill authorizes school districts, private schools, and charter schools to certify for reimbursement eligible school-based health services provided to any student enrolled in Medicaid, regardless of whether that student qualifies for Part B or H of the IDEA, the exceptional student education program, or has an individualized education plan. The bill aligns Florida law with updated federal guidance that authorizes the federal reimbursement of Medicaid-eligible, school-based health services for all students enrolled in Medicaid.

The bill now removes the current-law requirement for health care practitioners who are employed by or contracted with a private or charter school under s. 409.9072, F.S., to independently enroll in Florida Medicaid as credentialed providers to deliver Medicaid covered, school-based services.

The bill passed the Senate Health Policy Committee favorably, and previously passed the Senate Education Committee favorably.

SB 1746 by Stargel - Florida Virtual Education. This bill modifies the operations and governance of Florida Virtual School (FLVS), expands access to virtual charter schools, and provides school districts flexibility in implementing Virtual Instruction Program (VIP) options for the purpose of improving virtual education for students.

An adopted amendment to the bill no longer *requires* funds received by the Florida Virtual School board of trustees to be used to support the school's marketing, though the board *may* use funds for such purpose.

The bill passed the Senate Judiciary Committee favorably, and previously passed the Senate Education Committee favorably.

SB 524 by Gruters – Sales Tax Holiday for disaster Preparedness Supplies. This bill establishes an 18-day “disaster preparedness” sales tax holiday, from Friday, May 29 to Monday, June 15, 2020, during which time certain items purchased for disaster preparedness and protection are exempt from the sales and use tax and local discretionary sales surtaxes.

The bill passed the Senate Finance and Tax Committee favorably, and previously passed the Senate Commerce and Tourism Committee favorably.

SB 542 by Perry – Back-to-school Sales Tax Holiday. This bill establishes a 10-day “back-to-school” sales tax holiday, from Friday, July 31, 2020 to Sunday, August 9, 2020, for certain clothing, school supplies, personal computers, and personal computer-related accessories.

The bill passed the Senate Finance and Tax Committee favorably, and previously passed the Senate Commerce and Tourism Committee favorably.

SB 866 by Diaz – Florida Talent Development Council. The bill requires the Florida Talent Development Council (FTDC) to submit a report with recommendations addressing the feasibility of establishing and implementing a Pathways in Technology Early College High School (P-TECH) or similar program that incorporates secondary and postsecondary education with workforce education and work experience, in Florida.

The bill passed the Senate Appropriations Subcommittee on Education favorably, and previously passed the Senate Education committee favorably.

SB 918 by Brandes – Civic Education. This bill authorizes the development and integration of a nonpartisan civic literacy practicum and the designation of a public school providing high-quality civic learning as a Freedom School.

The bill passed the Senate Appropriations Subcommittee on Education favorably, and previously passed the Senate Education Committee favorably.

SB 1420 by Flores – Charter Schools. The bill revises provisions regarding charter school applications, employee and board member criminal history checks, and virtual instruction programs. Specifically, the bill:

- Requires a sponsor to receive and consider a charter school application submitted at any time during the calendar year.
- Specifies a high-performing charter school may submit two applications to establish a new charter school to be opened at a time determined by the high-performing charter school, with conditions.
- Authorizes a virtual charter school to provide beginning in the 2020-2021 fiscal year, part-time virtual instruction for students in kindergarten through 12th grade who were enrolled in a public school the prior year.
- Authorizes a charter school to transfer unrestricted current or capital assets to other charter schools operated by the not-for-profit or municipal entity within the state, rather than being limited to other charter schools within the school district. For this purpose, only unrestricted assets from state sources may be used. For unrestricted assets to be used in accordance with s. 1011.62, if state and local funds cannot be identified, the percentage of state and local funds based on the total funds allocated to the school

district from the FEFP shall be applied to the unrestricted assets to determine the unrestricted funds available to be provided to another charter school.

The bill passed the Senate Appropriations Subcommittee on Education favorably, and previously passed the Senate Education Committee favorably.

Committee Action - House Bills

HB 737 by Daniels - Moments of Silence in Public Schools. This bill requires a moment of silence to be set-aside for public school students during each school day.

This bill passed the House PreK-12 Appropriations Subcommittee favorably, and previously passed the House PreK-12 Innovation Subcommittee favorably.

HB 1013 by Grall - Early Learning and Early Grade Success. On February 10, 2020, the PreK-12 Appropriations subcommittee adopted amendments to this bill that:

- Deleted the exemption from specified taxes of certain educational curricula purchased by child care facilities;
- Deleted the requirement that the Office of Economic and Demographic Research review and verify the market rate schedule and determine base payment rates;
- Required a detailed summary of the analysis compiled using the single statewide information system to be posted on the Department of Education's website;
- Repealed the Child Care Executive Partnership established in s. 1002.94, F.S.;
- Required the coordinated screening and progress monitoring program to be implemented for Voluntary Prekindergarten program and kindergarten students beginning in the 2021-2022 school year; and
- Provided an appropriation.

The bill passed the House PreK-12 Appropriations Subcommittee favorably, and previously passed the House PreK-12 Innovation Subcommittee favorably.

HB 1207 by Bell - Measurement of Student Performance. This bill requires the Commissioner of Education to release VAM data to school districts annually by July 31, rather than in August.

The bill passed the House PreK-12 Appropriations Subcommittee favorably, and previously passed the House PreK-12 Innovation Subcommittee favorably.

HB 1321 by Aloupis - Early Childhood Music Education Incentive Pilot Program. This bill creates flexibility for school districts wishing to participate in the program by modifying the eligibility requirements for participation to specified elementary schools, not all elementary schools, in the district. The bill extends the scheduled expiration of the program to June 30, 2022.

The bill passed the House PreK-12 Appropriations Subcommittee favorably, and previously passed the House PreK-12 Innovation Subcommittee favorably.

HB 7079 by PreK-12 Innovation Subcommittee – Education. The bill authorizes the Commissioner of Education to discontinue the statewide, standardized Geometry end-of-course assessment upon approval from DOE to use the SAT or ACT as the state's high school math assessment under federal law.

The bill requires each school district to choose either the SAT or ACT for district-wide administration to grade 11 students beginning in the 2020-2021 school year. The bill revises the school grades calculation to include the percentage of eligible students passing the English language arts portions, and the percentage of eligible students passing the math portions of the SAT and ACT beginning with the 2022-2023 school year.

The bill requires all grade 12 students to take a civic literacy assessment beginning in the 2020-2021 school year. The bill requires postsecondary students to demonstrate civic literacy by successfully completing a civic literacy course and achieving a passing score on the civic literacy assessment.

The bill revises the school turnaround process by requiring implementation of a district-managed turnaround option after the first year a school earns a grade of "D." The bill authorizes a school district to request a new turnaround option during the implementation of a turnaround option and authorizes the State Board of Education to revoke a turnaround plan if a school district fails to follow the terms and conditions of its approved plan.

The bill revises the Turnaround School Supplemental Services Allocation by requiring school districts to submit its implementation plan to the commissioner for final approval by the Department of Education.

The bill requires the Florida Partnership for Minority and Underrepresented Student Achievement to provide information on resources and opportunities, and identify public and private partnerships to provide college-advising services to further increase postsecondary access and success for students.

The bill appropriates \$8 million in recurring funds from the General Revenue Fund to DOE to implement provisions of the bill.

The bill passed the House PreK-12 Appropriations Subcommittee favorably, and previously passed the House PreK-12 Innovation Subcommittee favorably.

HB 445 by Sirois – School Grading System. This bill allows a high school student who earns an ASVAB AFQT score in the Category II range or higher to be included in the college and career acceleration component of the school grades calculation. An adopted committee substitute

The bill passed the House Education Committee favorably, and previously passed the House PreK-12 Innovation Subcommittee favorably.

HB 883 by Duggan – Education. The bill improves the processes by which educational personnel who commit sexual misconduct with a student would be prohibited from further contact with students. Additionally, the bill prohibits employment of such individuals in positions that have direct contact with students in public schools, charter schools, and private schools participating in the state scholarship program.

HB 935 by Webb – Solar Energy systems in Educational Facilities. This bill excludes costs associated with a solar energy system from the cost per student station caps on public school construction.

The bill passed the House Education Committee favorably, and previously passed the House Appropriations Committee and the House PreK-12 Innovation Subcommittee favorably.

HB 953 by McClain – Charter Schools. The bill authorizes state universities and Florida College System (FCS) institutions to solicit applications and sponsor charter schools upon approval by the Department of Education. The bill also revises requirements for charter schools operated by a FCS institution with a teacher preparation program.

The bill provides that the board of trustees of a sponsoring state university or FCS institution is a local educational agency for the purpose of receiving federal funds and accepting responsibility for all requirements in that role.

The bill requires the DOE, in collaboration with charter school sponsors and operators, to develop a sponsor evaluation framework and report results in its annual charter school application report. In addition, the bill revises charter school application reporting requirements and submission dates for both sponsors and the Department of Education.

The bill establishes operational funding and capital outlay funding formulas for charter schools sponsored by a state university or FCS institution.

The bill authorizes charter schools to provide career and professional academies and revises charter school enrollment limitations.

This bill was favorable with CS in the House Education Committee.

HB 1213 by Fine – Holocaust Education. This bill mandates the study of specified policy against anti-Semitism in specified instruction in public schools.

This bill was favorable with CS in the House Education Committee.

HB 1231 by DuBose – Students with Disabilities in Public Schools. This bill addresses the use of seclusion and restraint and requires the use of video cameras in certain classrooms.

The bill passed the House Education Committee favorably, and previously passed the House PreK-12 Appropriations Subcommittee and the House PreK-12 Innovation Subcommittee favorably.

HB 1335 by LaMarca – Florida Virtual Education. This bill revises provisions relating to the Board of Trustees for FLVS, marketing for FLVS, virtual charter schools, and virtual instruction providers.

The bill passed the House Education Committee favorably, and previously passed the House PreK-12 Innovation Subcommittee favorably.

HB 1203 by Mariano – Pathways to Career Opportunities. This bill requires the Commissioner of Education to submit to certain entities report with recommendations relating to implementation of Pathways in Technology Early College High School program.

This bill was favorable with CS in the House Education Committee.

EDC3 by Education Committee – Higher Education. In addition to other provisions the bill revises the Florida Academic Scholars textbook award providing an additional stipend for textbooks if funds are specifically provided in the General Appropriations Act, in lieu of providing a \$300 stipend for textbooks each fall and spring semester.

The bill revises the Florida Medallion Scholars (FMS) award effective for students initially eligible in the fall 2021 semester, to provide for the following:

- A FMS student who is enrolled in an associate degree program at a Florida College System (FCS) institution is eligible for an award equal to 100 percent of tuition and applicable fees.
- A FMS student who earns an associate degree at an FCS institution with a 3.5 cumulative grade point average or higher is eligible for an award equal to 100 percent of tuition and applicable fees upon enrolling in a baccalaureate degree program at an eligible Florida postsecondary institution.
- A FMS student who earns an associate degree at an FCS institution with a 2.75 cumulative grade point average or higher, but below a 3.5, is eligible for an award equal to 75 percent of tuition and applicable fees upon enrolling in a baccalaureate degree program at an eligible Florida postsecondary institution.

The bill revises the intent of the William L. Boyd, IV, Effective Access to Student Education (EASE) program and the Access to Better Learning and Education (ABLE) Grant Program to be a financial aid program.

Beginning with the fall semester of 2021, the bill requires students applying for an initial EASE or ABLE award to apply for the Pell Grant and meet the eligibility requirements for demonstrated financial need.

HB 1083 by Webb – Student Mental Health Procedures. Current law requires a principal or designee to immediately notify a parent of a student who is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination. Notification may be delayed for no more than 24 hours after the student is removed if the delay is deemed to be in the student’s best interest and if a report has been submitted to the central abuse hotline based upon knowledge or suspicion of abuse, etc.

Language is added to require that before a student is removed from school, school transportation, or a school-sponsored activity, the principal or designee must verify that de-escalation strategies have been utilized and outreach to a mobile response team has been initiated, unless the principal or the principal's designee reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others.

The bill passed the House Health & Human Services Committee favorably, and previously passed the House PreK-12 Innovation Subcommittee favorably.

Tax Relief Concept Language – Sharing of discretionary sales surtax with charter schools. The House Tax package incorporates language that would require the sharing of any voted discretionary sales tax. The resolution that describes the school capital outlay projects to be funded by the surtax must also include a statement that the revenues collected must be shared with charter schools based on their proportionate share of total school district enrollment. Language is also added to require that surtax revenues shared with charter schools must be expended by the charter school in a manner consistent with allowable uses in s. 1013.62(4). All revenues and expenditures must be accounted for in a charter school’s monthly

or quarterly financial report. These provisions apply to levies authorized by vote of the electors on or after July 1, 2020.

House Floor Action

HB 7011 by PreK-12 Innovation Subcommittee – K-12 Student Athletes. This bill revises provisions relating to automated external defibrillators on school grounds, training related to CPR & defibrillators, FHSA student athlete safety policies, & specified medical evaluations.

This bill passed the full House.

HB 575 by Plasencia – Applied Behavior Analysis Services. This bill provides exemption from licensure requirements for individuals who are employed or under contract with entities providing applied behavior analysis services; redefines term "private instructional personnel" to include behavior analysts & paraprofessionals providing applied behavior analysis services.

This bill passed the full House.